

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 542

vs.

NO. 2018-14059

MALLINCKRODT ARD INC FKA QUESTCOR PHARMACEUTICALS  
INC**COVER SHEET OF MOVING PARTY**Date of Filing October 03 2019Moving Party EXPRESS SCRIPTS HOLDING COMPANY; EXPRESS SCRIPTS INCCounsel for Moving Party JOSEPH P WALSH, Esq., ID: 64352Document Filed (Specify) MOTION FOR PROTECTIVE ORDERMatter is:    (Appealable) |   X   (Interlocutory)Discovery Needed:    (Yes) |    (No)

If applicable, Civil Case Management Order Discovery Deadline: \_\_\_\_\_

**CERTIFICATIONS** - Check **ONLY** if appropriate:  X   Counsel certify that they have conferred in a good faith effort to resolve the subject **discovery** dispute. (Required by Local Rule 208.2(e) on motions relating to discovery.)   Counsel for moving party certifies that the subject **civil motion** is **uncontested** by all parties involved in the case. (If checked, skip Rule to Show Cause section below.)By: JOSEPH P. WALSH,ESQUIRE

Counsel for Moving Party

**RULE TO SHOW CAUSE** - Check **ONE** of the Choices Listed Below:       Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an **answer** in the form of a **written response** at the **Office of the Prothonotary** on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.       Respondent is directed to show cause, in the form of a **written response**, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at **1:00 p.m.** at **321 Swede Street, Norristown, PA.**       Respondent is directed to file a **written response** in conformity with the Pennsylvania Rules of Civil Procedure.       Rule Returnable at time of trial.

By: \_\_\_\_\_

Court Administrator

**IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY, PENNSYLVANIA**

International Union of Operating Engineers  
Local 542,

v.

Mallinckrodt ARD, Inc. f/k/a Questcor  
Pharmaceuticals, Inc.; Mallinckrodt PLC;  
Express Scripts Holding Company; Express  
Scripts, Inc.; CuraScript, Inc.; CuraScript SD;  
Accredo Health Group, Inc. and United  
BioSource Corporation n/k/a United  
BioSource LLC, a wholly owned subsidiary of  
United BioSource Holdings, Inc.

NO. 2018-14059

**[PROPOSED] PROTECTIVE ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2019, upon  
consideration of the Motion for Protective Order, and any response thereto, it is hereby ORDERED  
that the Motion is **GRANTED**.

It is further ORDERED that:

- (1) The deposition of Rob Osborne shall take place in or near Orlando, Florida at a date  
and time agreed to by the parties; and
- (2) The deposition of Paul Grew shall take place in or near Buffalo, New York at a date  
and time agreed to by the parties.

**BY THE COURT:**

\_\_\_\_\_  
**STEVEN C. TOLLIVER, SR., J.**

1 **IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY, PENNSYLVANIA**

2 International Union of Operating Engineers  
3 Local 542,

4 v.

5 Mallinckrodt ARD, Inc. f/k/a Questcor  
6 Pharmaceuticals, Inc.; Mallinckrodt PLC;  
7 Express Scripts Holding Company; Express  
8 Scripts, Inc.; CuraScript, Inc.; CuraScript SD;  
9 Accredo Health Group, Inc. and United  
10 BioSource Corporation n/k/a United  
11 BioSource LLC, a wholly owned subsidiary of  
12 United BioSource Holdings, Inc.

NO. 2018-14059

13 **MOTION FOR PROTECTIVE ORDER**  
14 **ON BEHALF OF DEFENDANT EXPRESS SCRIPTS, INC.**

15 1. On September 17, 2019, Plaintiff International Union of Operating Engineers Local  
16 542 noticed the depositions of current Express Scripts, Inc. ("Express Scripts") employees, Rob  
17 Osborne and Paul Grew.<sup>1</sup>

18 2. Plaintiff noticed Mr. Osborne's and Mr. Grew's depositions to take place at The  
19 Beasley Firm, 1125 Walnut Street, Philadelphia, Pennsylvania 19107 on October 23 and 24, 2019,  
20 respectively.

21 3. Mr. Osborne currently lives and works in Orlando, Florida.

22 4. Mr. Grew currently lives and works near Buffalo, New York.

23 5. Express Scripts notified Plaintiff that it would pose an unreasonable annoyance,  
24 burden, and expense for Mr. Osborne and Mr. Grew to appear for depositions in Philadelphia, and  
25 asked that Plaintiff agree to take the depositions in or near the cities where Mr. Osborne and Mr.  
26 Grew currently live and work.

27  
28 <sup>1</sup> The notices of deposition for Mr. Osborne and Mr. Grew are attached as Exhibits A and B,  
respectively.

6. On September 30, 2019, the parties met and conferred about the location of the noticed depositions but were unable to agree on where the depositions should take place, as Plaintiff refused to change the location of the depositions from Philadelphia.

7. To avoid unreasonable annoyance, burden, and expense, and for good cause shown as set forth in the attached Memorandum of Law, Express Scripts now respectfully moves this Court to enter a Protective Order requiring the depositions of Mr. Osborne and Mr. Grew to take place in or near the cities where they reside or work—Orlando and Buffalo, respectively—at a date and time mutually agreed to by the parties, or in the alternative, requiring Plaintiff to pay for the expenses incurred by Mr. Osborne and Mr. Grew in traveling to Philadelphia.

DATED: October 3, 2019

Respectfully submitted,

/s/ Joseph P. Walsh

Joseph P. Walsh, Esq.

I.D. No. 64352

**WALSH PANCIO, LLC**

2028 North Broad Street

Lansdale, PA 19446-1004

Tel: (215) 368-8660

Fax: (215) 368-7990

joe@walshpancio.com

Michael J. Lyle, Esq. (*pro hac vice*)

Eric C. Lyttle, Esq. (*pro hac vice*)

Ethan C. Glass, Esq. (*pro hac vice*)

Meghan A. McCaffrey, Esq. (*pro hac vice*)

Michael D. Bonanno, Esq. (*pro hac vice*)

**QUINN EMANUEL URQUHART & SULLIVAN, LLP**

1300 I Street, NW

Washington, DC 20005

Tel: (202) 538-8000

Fax: (202) 538-8100

mikelyle@quinnemanuel.com

ericlyttle@quinnemanuel.com

ethanglass@quinnemanuel.com

meghanmccaffrey@quinnemanuel.com

mikebonanno@quinnemanuel.com

***Counsel for Defendant Express Scripts, Inc.***

**IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY, PENNSYLVANIA**

International Union of Operating Engineers :  
 Local 542 :

v. :

NO. 2018-14059

Mallinckrodt Ard, Inc. f/k/a Questcor :  
 Pharmaceuticals, Inc.; Mallinckrodt PLC; Express :  
 Scripts Holding Company; Express Scripts, Inc.; :  
 CuraScript, Inc.; CuraScript SD; Accredo Health :  
 Group, Inc. and United BioSource Corporation n/k/a: :  
 United BioSource LLC, a wholly owned subsidiary :  
 of United BioSource Holdings, Inc. :

**CERTIFICATION OF SERVICE**

I, Joseph P. Walsh, Esquire, Co-Counsel for Defendants, *Express Scripts Holding Company, Express Scripts, Inc., CuraScript, Inc., CuraScript SD, Accredo Health Group, Inc. and United BioSource Corporation n/k/a United BioSource, LLC*, do hereby certify that a true and correct copy of Defendants' Motion for Protective Order, Proposed Order and Memorandum of Law and were served upon the following counsel and unrepresented parties electronically by the E-Filing System or by facsimile or United States First Class Mail if counsel or the unrepresented party does not participate in E-Filing, on the date of the E-filing acceptance of the document.

***Attorneys for Plaintiff:***

Donald E. Haviland, Jr., Esquire  
 William H. Platt, II, Esquire  
*Haviland Hughes*  
 201 South Maple Way, Suite 110  
 Ambler, PA 19002  
[haviland@havilandhughes.com](mailto:haviland@havilandhughes.com)  
[platt@havilandhughes.com](mailto:platt@havilandhughes.com)

***Attorneys and Pro Hac Vice Attorneys for Mallinckrodt Defendants:***

Daniel T. Sherry, Esquire  
Wendy J. Bracaglia, Esquire  
*Marshall, Dennehey, Warner, Coleman & Goggin*  
620 Freedom Business Center  
Suite 300  
King of Prussia, PA 19406  
[djsherry@mdwecg.com](mailto:djsherry@mdwecg.com)  
[wjbracaglia@mdwecg.com](mailto:wjbracaglia@mdwecg.com)

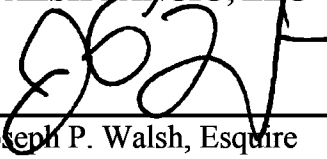
Sonia K. Pfaffenroth, Esq.  
Adam Pergament, Esq.  
Laura Shores, Esq.  
Ryan Z. Watts, Esq.  
Matthew M. Wolf, Esq.  
*Arnold & Porter LLP*  
601 Massachusetts Avenue NW  
Washington, DC 20001  
[sonia.pfaffenroth@arnoldporter.com](mailto:sonia.pfaffenroth@arnoldporter.com)  
[adam.pergament@arnoldporter.com](mailto:adam.pergament@arnoldporter.com)  
[laura.shores@arnoldporter.com](mailto:laura.shores@arnoldporter.com)  
[ryan.watts@arnoldporter.com](mailto:ryan.watts@arnoldporter.com)  
[matthew.wolf@arnoldporter.com](mailto:matthew.wolf@arnoldporter.com)

***Co-Attorneys for Defs. Express Scripts Holding Company, Express Scripts, Inc., CuraScript, Inc, CuraScript SD, Accredo Health Group, Inc. and United BioSource Corporation n/k/a United BioSource, LLC:***

Eric Lyttle, Esq.  
Ethan Glass, Esq.  
Meghan McCaffrey, Esq.  
Michael Lyle, Esq.  
Michael Bonanno, Esq.  
*Quinn Emanuel Urquhart & Sullivan LLP*  
1300 I Street NW  
Suite 900  
Washington, DC 20005  
[ericlyttle@quinnemanuel.com](mailto:ericlyttle@quinnemanuel.com)  
[ethanglass@quinnemanuel.com](mailto:ethanglass@quinnemanuel.com)  
[meghanmccaffrey@quinnemanuel.com](mailto:meghanmccaffrey@quinnemanuel.com)  
[mikelyle@quinnemanuel.com](mailto:mikelyle@quinnemanuel.com)  
[mikebonanno@quinnemanuel.com](mailto:mikebonanno@quinnemanuel.com)

WALSH PANCIO, LLC

BY: \_\_\_\_\_

  
Joseph P. Walsh, Esquire  
I.D. No. 64352

***Co-Attorney for Defendants, Express Scripts Holding Company, Express Scripts, Inc., CuraScript, Inc, CuraScript SD, Accredo Health Group, Inc. and United BioSource Corporation n/k/a United BioSource, LLC***

2028 North Broad Street  
Lansdale, PA 19446-1004  
(215) 368-8660; fax: (215) 368-7990  
joe@walshpancio.com

Dated : 10/3/2019



# Exhibit A

Donald E. Haviland, Jr., Esquire (PA I.D. #66615)  
*haviland@havilandhughes.com*

William H. Platt II, Esquire (PA I.D. #83585)  
*platt@havilandhughes.com*

**HAVILAND HUGHES**

201 South Maple Way, Suite 110

Ambler, PA 19002

(215) 609-4661 Telephone

(215) 392-4400 Facsimile

*Counsel for Plaintiff,  
 International Union of Operating Engineers  
 Local 542*

**IN THE COURT OF COMMON PLEAS  
 FOR MONTGOMERY COUNTY, PENNSYLVANIA**

<p><b>INTERNATIONAL UNION OF          OPERATING ENGINEERS LOCAL 542</b></p> <p>Plaintiff,</p> <p>v.</p> <p><b>MALLINCKRODT ARD, INC., et al.</b></p> <p>Defendants.</p>	<p>Civil Action No. 2018-14059</p> <p><b>SECOND NOTICE OF DEPOSITION AND          REQUEST FOR THE PRODUCTION OF          DOCUMENTS AND THINGS</b></p>
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**TO: Rob Osborne, VP Pharma Trade Relations**  
**Express Scripts; Accredo; CuraScript SD**  
 c/o Joseph P. Walsh, Esq.  
 Walsh Pancio LLC  
 2028 North Broad Street  
 Lansdale, PA 19446

Eric C. Lyttle, Esq.  
 Ethan C. Glass, Esq.  
 Meghan A. McCaffrey, Esq.  
 Michael J. Lyle, Esq.  
 Michael Bonanno, Esq.  
 Quinn Emanuel Urquhart & Sullivan, LLP  
 1300 I Street, NW  
 Washington D.C. 20005

**PLEASE TAKE NOTICE** that, pursuant to Rule 4007.1 *et seq.* of the Pennsylvania Rules of Civil Procedure, **YOU ARE HEREBY COMMANDED** to attend and give testimony before the above named Court by way of deposition upon oral examination before a notary

public or some other officer authorized by law to administer oaths in the above-captioned matter on **October 23, 2019, at 9:00 a.m.**, and continuing thereafter from day to day until completed, at The Beasley Firm, 1125 Walnut Street, Philadelphia, Pennsylvania 19107 (or at such other time, or at such other place, as counsel and the witness agree upon). The testimony will be recorded stenographically and/or by videotape.

*You are also required to bring with you and produce at the same time and place, pursuant to Pa.R.C.P. No. 4007.1 and Pa.R.C.P. No. 4009.1 et seq., all the documents, materials, books, papers and other tangible things in your possession or control identified in Exhibit "A," attached hereto.*

Failure to appear or comply with the notice shall subject you to the penalties provided by law.

Respectfully submitted,

Dated: September 17, 2019

By: s/ Donald E. Haviland, Jr.  
 Donald E. Haviland, Jr.  
*haviland@havilandhughes.com*  
 William H. Platt II  
*platt@havilandhughes.com*  
**HAVILAND HUGHES**  
 201 South Maple Avenue, Suite 110  
 Ambler, PA 19002  
 Phone: (215) 609-4661  
 Fax: (215) 392-4400

*Counsel for Plaintiff,  
 International Union of Operating  
 Engineers Local 542*

**EXHIBIT “A”**

Documents to be produced:

1. Documents in your possession, custody or control relating to the negotiation of any contracts, agreements or other arrangements or understandings between any Express Scripts Entity” (as defined in Defendants’ Answer to the Complaint), including Curascript and/or any subsidiary (including Healthbridge, United BioSource and/or Accredo) and Mallinckrodt ARD f/k/a Questcor Pharmaceuticals, Inc., relating to the manufacturer, distribution, promotion, sale or prescription of Acthar, including any of the agreements produced by Express Scripts in this lawsuit.
2. Documents in your possession, custody or control relating to your knowledge of, involvement in or the formation and conduct the “Acthar Support & Access Program” (or the “A.S.A.P.”).
3. Documents in your possession, custody or control relating to any changes in the prices of Acthar including, the Average Wholesale Price (“AWP”), Wholesale Acquisition cost (“WAC”), list price, ex-factory price, or other prices.
4. Documents in your possession, custody or control relating to a “suitable price” and/or a “competitive price” for Acthar.
5. All written communications (regardless of the electronic or paper media or form) between you and any individual employed by Express Scripts (or any subsidiary company), United BioSource, or BioSolutia during the relevant time period 2006 through 2014.

# Exhibit B

Donald E. Haviland, Jr., Esquire (PA I.D. #66615)  
*haviland@havilandhughes.com*  
 William H. Platt II, Esquire (PA I.D. #83585)  
*platt@havilandhughes.com*

**HAVILAND HUGHES**  
 201 South Maple Way, Suite 110  
 Ambler, PA 19002  
 (215) 609-4661 Telephone  
 (215) 392-4400 Facsimile

*Counsel for Plaintiff,  
 International Union of Operating Engineers  
 Local 542*

**IN THE COURT OF COMMON PLEAS  
 FOR MONTGOMERY COUNTY, PENNSYLVANIA**

<p><b>INTERNATIONAL UNION OF  OPERATING ENGINEERS LOCAL 542</b></p> <p>Plaintiff,</p> <p>v.</p> <p><b>MALLINCKRODT ARD, INC., et al.</b></p> <p>Defendants.</p>	<p>Civil Action No. 2018-14059</p> <p><b>NOTICE OF DEPOSITION AND  REQUEST FOR THE PRODUCTION OF  DOCUMENTS AND THINGS</b></p>
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**TO: Paul J. Grew, MBA, RPh, Senior Director, National Labor Div.  
Express Scripts; Accredo; CuraScript SD**  
c/o Joseph P. Walsh, Esq.  
Walsh Pancio LLC  
2028 North Broad Street  
Lansdale, PA 19446

Eric C. Lyttle, Esq.  
Ethan C. Glass, Esq.  
Meghan A. McCaffrey, Esq.  
Michael J. Lyle, Esq.  
Michael Bonanno, Esq.  
Quinn Emanuel Urquhart & Sullivan, LLP  
1300 I Street, NW  
Washington D.C. 20005

**PLEASE TAKE NOTICE** that, pursuant to Rule 4007.1 *et seq.* of the Pennsylvania Rules of Civil Procedure, **YOU ARE HEREBY COMMANDED** to attend and give testimony before the above named Court by way of deposition upon oral examination before a notary

public or some other officer authorized by law to administer oaths in the above-captioned matter on **October 24, 2019, at 9:00 a.m.**, and continuing thereafter from day to day until completed, at The Beasley Firm, 1125 Walnut Street, Philadelphia, Pennsylvania 19107 (or at such other time, or at such other place, as counsel and the witness agree upon). The testimony will be recorded stenographically and/or by videotape.

*You are also required to bring with you and produce at the same time and place, pursuant to Pa.R.C.P. No. 4007.1 and Pa.R.C.P. No. 4009.1 et seq., all the documents, materials, books, papers and other tangible things in your possession or control identified in Exhibit "A," attached hereto.*

Failure to appear or comply with the notice shall subject you to the penalties provided by law.

Respectfully submitted,

Dated: September 17, 2019

By: s/ Donald E. Haviland, Jr.  
 Donald E. Haviland, Jr.  
*haviland@havilandhughes.com*  
 William H. Platt II  
*platt@havilandhughes.com*  
**HAVILAND HUGHES**  
 201 South Maple Avenue, Suite 110  
 Ambler, PA 19002  
 Phone: (215) 609-4661  
 Fax: (215) 392-4400

*Counsel for Plaintiff,  
 International Union of Operating  
 Engineers Local 542*

Documents to be produced:

1. Documents in your possession, custody or control relating to the Plaintiff in this case, including all communications with or concerning the Plaintiff.
2. Documents in your possession, custody or control relating to the Delaware Valley Healthcare Coalition ("DVHCC"), including all communications with or concerning the DVHCC.
3. Documents in your possession, custody or control relating to third party payor ("TPP"), other than the Plaintiff (including union funds, employers, municipalities, etc.), including any communications with such TPP, concerning the price, cost or value of specialty drugs, including Acthar.
4. Documents in your possession, custody or control relating to Acthar.
5. Documents in your possession, custody or control relating to the price or cost of Acthar.
6. Documents in your possession, custody or control relating to the price or cost of specialty drugs, and their value for the treatment of disease.
7. Documents in your possession, custody or control relating to the FDA-approved uses and doses of Acthar.
8. Documents in your possession, custody or control relating to unapproved uses and doses of Acthar.
9. Documents in your possession, custody or control relating to the mode of action of Acthar for the treatment of disease.
10. Documents in your possession, custody or control relating to drugs other than Acthar used to treat the following diseases: infantile spasms, multiple sclerosis, nephrology syndrome and rheumatoid arthritis.



**IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY, PENNSYLVANIA**

International Union of Operating Engineers  
Local 542,

v.

Mallinckrodt ARD, Inc. f/k/a Questcor  
Pharmaceuticals, Inc.; Mallinckrodt PLC;  
Express Scripts Holding Company; Express  
Scripts, Inc.; CuraScript, Inc.; CuraScript SD;  
Accredo Health Group, Inc. and United  
BioSource Corporation n/k/a United  
BioSource LLC, a wholly owned subsidiary of  
United BioSource Holdings, Inc.

NO. 2018-14059

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT EXPRESS SCRIPTS, INC.'S  
MOTION FOR PROTECTIVE ORDER**

Defendant Express Scripts, Inc. ("Express Scripts"), by its undersigned counsel, moves for a Protective Order pursuant to Pa. R. Civ. P. 4012(a)(2) requiring the depositions of current Express Scripts' employees, Rob Osborne and Paul Grew, take place in or near the cities where they reside or work—in Orlando, Florida and near Buffalo, New York, respectively. In support, Express Scripts states:

**I. FACTUAL AND PROCEDURAL BACKGROUND**

On June 26, 2019, Plaintiff unilaterally noticed the deposition of Rob Osborne for July 24, 2019 in Philadelphia without asking or conferring with Express Scripts about his availability. On July 17, 2019, Express Scripts informed Plaintiff that Mr. Osborne was not available for deposition on the noticed date. On July 18, 2019, Express Scripts offered to make Mr. Osborne available for deposition at a mutually-agreeable date, time, and location.

On August 7, 2019, Plaintiff wrote Express Scripts regarding Mr. Osborne's deposition. In response, Express Scripts proposed several dates for Mr. Osborne's deposition, including October 23, 2019. The parties did not discuss a location for the deposition. Over a month later, on September 17, 2019, without having further conferred with Express Scripts, Plaintiff unilaterally served an amended notice of deposition for Mr. Osborne for October 23, 2019 in Philadelphia. The same day,

1 Plaintiff noticed for the first time the deposition of Paul Grew for October 24, 2019 in Philadelphia.  
2 The parties had not previously discussed any deposition of Mr. Grew.

3 Mr. Osborne resides in Orlando, Florida, where he works remotely as Vice President for  
4 Pharma and Biotech Trade Relations for Express Scripts. Mr. Grew resides near Buffalo, New  
5 York, where he works remotely as a Senior Director for Express Scripts. Both witnesses have  
6 significant supervisory responsibilities at Express Scripts that go beyond the matters at issue in this  
7 case.

8 On September 26, 2019, Express Scripts responded to Plaintiff's notices, confirming that  
9 both witnesses would be available for deposition on the dates noticed, but that neither were located  
10 in or would be available in Philadelphia on those dates. On September 30, 2019, the parties met and  
11 conferred regarding Plaintiff's notices, but Plaintiff refused to change the location of the depositions  
12 from Philadelphia.

## 13 II. LEGAL STANDARD

14 The time and place of a deposition are not matters over which the noticing party has  
15 exclusive control. "[A] party . . . from whom deposition is sought" may move for a protective order  
16 to protect itself "from unreasonable annoyance, embarrassment, oppression, burden or expense."  
17 Pa. R. Civ. P. 4012. For good cause, the court may make an order limiting the deposition to  
18 "specified terms and conditions, including a designation of the time and place." *Id.* Protective  
19 orders are appropriate in order to prevent a noticing party from forcing witnesses to travel from  
20 other states and subjecting them to "unreasonable annoyance, burden, and expense." *J.A. Reinhardt*  
21 *& Co. Inc. v. Stettz*, 35 Pa. D. & C. 4th 558, 566 (Pa. Com. Pl. Dec. 13, 1996).

## 22 III. ARGUMENT

23 The Court should enter a Protective Order requiring the depositions of Mr. Osborne and Mr.  
24 Grew take place in or near the cities where they reside or work—Orlando, Florida and Buffalo, New  
25 York, respectively—to avoid unreasonable annoyance, burden, and expense.

26 Mr. Osborne has significant and wide-ranging responsibilities in his role as Vice President  
27 of Pharma and Biotech Trade Relations at Express Scripts. Forcing Mr. Osborne to travel nearly  
28 1,000 miles from Orlando to testify in Philadelphia on October 23 would require flights and

1 overnight stays that take him away from his normal business responsibilities for two or more days.  
2 This represents an unreasonable annoyance, burden, and expense for Mr. Osborne.

3 Likewise, Mr. Grew's responsibilities as a Senior Director at Express Scripts and his location  
4 near Buffalo make it unreasonably annoying, burdensome, and expensive to require him to travel  
5 hundreds of miles and miss two or more days of work to testify in Philadelphia on October 24.

6 The burden that conducting these depositions in Philadelphia would impose is particularly  
7 unreasonable in light of the broader Acthar-related litigation in which this case is situated. This is  
8 not a typical case involving parties who are located in Pennsylvania, or even involving an out-of-  
9 state witness. Plaintiff's counsel has filed related litigation with overlapping claims against the same  
10 parties in federal and state courts inside and outside of Pennsylvania, including in Illinois, Maryland,  
11 and Tennessee. Plaintiff's counsel has appeared for hearings, filed motions, and conducted  
12 discovery in these out-of-state jurisdictions, and the parties have agreed to the use and coordination  
13 of discovery and depositions across cases. *City of Rockford v. Mallinckrodt ARD, Inc.*, Civ. No. 17-  
14 cv-50107 (N.D. Ill.), Mar. 15, 2019 Joint Proposed Discovery Plan at 4-5, ECF No. 199 ("To the  
15 extent feasible, the parties will endeavor to ensure that witnesses deposed in the above-captioned  
16 matters will not be deposed a second time in a Related Matter, or vice versa."); *id.* at Sept. 20, 2019  
17 Status Hr'g Tr. at 6, ECF No. 273 (Plaintiff's counsel stating that "we certainly want to coordinate  
18 the effort in Philadelphia with this court"). Express Scripts informed Plaintiff that, per the parties'  
19 agreement, it would make Mr. Osborne and Mr. Grew available for deposition only once, across all  
20 cases.

21 Discovery in this case will likely be used in jurisdictions and cases located throughout the  
22 United States in forums that Plaintiff's counsel has purposely availed itself of in order to bring this  
23 case and others. This is not mere speculation. Plaintiff's counsel already has used documents  
24 produced in response to orders from this Court in order to file cases in other jurisdictions, and cited  
25 to a deposition in this case as support for discovery requests in the *City of Rockford* matter. Thus,  
26 this is not just a deposition that will be taken and used in a Pennsylvania state court case exclusively,  
27 but rather discovery that will likely be used in litigating across multiple jurisdictions. Given  
28 Plaintiff's counsel's choice to file related litigation in multiple other jurisdictions and to try to use

1 discovery in this case in those other jurisdictions, it is not unreasonable to ask that Plaintiff's counsel  
2 take depositions outside of Pennsylvania. It is far more reasonable—not to mention less of a  
3 burden—for Plaintiff's counsel to take the depositions of Mr. Osborne and Mr. Grew where they  
4 reside or work, rather than for Mr. Osborne and Mr. Grew to travel to Philadelphia and miss several  
5 days of work. The expense to Plaintiff is also minimal, as Plaintiff's counsel likely seeks to recover  
6 tens of millions of dollars in damages (if not more) across the cases filed in this and other  
7 jurisdictions.

8 In sum, the annoyance, burden, and expense of forcing Mr. Osborne and Mr. Grew to be  
9 deposed in Philadelphia far outweighs any potential harm in requiring Plaintiff to take the  
10 depositions of Mr. Osborne and Mr. Grew in or near the cities where they reside or work. Courts  
11 have found similar burdens to be unreasonable and warranting a protective order, such as when a  
12 party sought to force a Toronto-based witness to be deposed in Pittsburgh. *Davis v. Pennzoil Co.*,  
13 38 Pa. D. & C. 2d 289, 294 (Pa. Com. Pl. 1965). Express Scripts therefore respectfully requests that  
14 the Court enter a Protective Order requiring Plaintiff to depose Mr. Osborne and Mr. Grew in or  
15 near Orlando and Buffalo, respectively, at a date and time mutually agreed to by the parties.

16 In the alternative, if Mr. Osborne and Mr. Grew are required to travel to Philadelphia for  
17 their depositions, the Court should require Plaintiff to pay for the expenses they incur. *See Econ*  
18 *Mktg. Inc. v. Side II Assocs. Ltd.*, 17 Pa. D. & C. 4th 341, 346–47 (Pa. Com. Pl. 1992), *aff'd sub*  
19 *nom. Econ v. Side II Assoc.*, 432 Pa. Super. 695, 635 A.2d 210 (1993) (requiring noticing party to  
20 pay for travel expenses of party employee who lived in Minnesota).

#### 21 **IV. CONCLUSION**

22 WHEREFORE, Express Scripts respectfully requests that the Court set the places of  
23 deposition for Mr. Osborne and Mr. Grew in accordance with the attached proposed Protective  
24 Order.  
25  
26  
27  
28

1 DATED: October 3, 2019

Respectfully submitted,

2 /s/ Joseph P. Walsh

3 Joseph P. Walsh, Esq.

4 I.D. No. 64352

5 **WALSH PANCIO, LLC**

6 2028 North Broad Street

7 Lansdale, PA 19446-1004

8 Tel: (215) 368-8660

9 Fax: (215) 368-7990

10 joe@walshpancio.com

11 Michael J. Lyle, Esq. (*pro hac vice*)

12 Eric C. Lyttle, Esq. (*pro hac vice*)

13 Ethan C. Glass, Esq. (*pro hac vice*)

14 Meghan A. McCaffrey, Esq. (*pro hac vice*)

15 Michael D. Bonanno, Esq. (*pro hac vice*)

16 **QUINN EMANUEL URQUHART & SULLIVAN, LLP**

17 1300 I Street, NW

18 Washington, DC 20005

19 Tel: (202) 538-8000

20 Fax: (202) 538-8100

21 mikelyle@quinnemanuel.com

22 ericlyttle@quinnemanuel.com

23 ethanglass@quinnemanuel.com

24 megghanmccaffrey@quinnemanuel.com

25 mikebonanno@quinnemanuel.com

26 ***Counsel for Defendant Express Scripts, Inc.***